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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GARY NIVA and ALINKA NIVA, as
Administrators of the Estate of ERIC
AUSTIN NIVA, deceased,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.)
No. C 03-0908 RS
STIPULATION AND [PROPOSED]
ORDER RE PRETRIAL AND TRIAL
SCHEDULE

Pursuant to the Court's instructions at the case management conference on August 26, 2009, the parties to the above-entitled action jointly submit this Stipulation and [Proposed] Order Re Pretrial and Trial Schedule. The parties propose the following schedule for the remaining trial and pretrial matters for this case.

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STIPULATION AND [PROPOSED] ORDER RE PRETRIAL AND TRIAL SCHEDULE
C 03-0908 RS

<u>Date/Deadline</u>	<u>Event</u>
9/10/09	All parties to serve updated Rule 26(a)(1) disclosures and any supplemental or amended responses to previously-served discovery, including verifications where required by the Federal Rules of Civil Procedure
9/18/09	Plaintiffs to advise defendant of names and general subject matters of trial experts
9/25/09	Plaintiffs to designate experts and provide reports, per Rule 26(a)(2)
10/9/09	Defendant to advise plaintiffs of names and general subject matters of trial experts
10/16/09	Defendant to designate experts and provide reports, per Rule 26(a)(2)
10/28/09	Close of all discovery, fact and expert
11/4/09	File any motions in limine
11/9/09	Last day to meet and confer regarding joint pretrial statement.
11/10/09	File any oppositions to motions in limine. Each party to serve all other parties with a copy of any depositions or discovery responses the party intends to use at trial (other than solely for impeachment or rebuttal), a list of witnesses to be called with a brief description of the substance of the expected testimony, and a list of exhibits the party intends to introduce at trial (other than solely for impeachment or rebuttal). Prior to the exchange of these documents, the parties shall agree upon a numbering system to avoid duplication of exhibit numbers. Where possible, the parties will attempt, before the pretrial conference, to stipulate to authenticity and admissibility of exhibits. The parties will be prepared to discuss any objections to proposed discovery excerpts, exhibits, and witnesses at the pretrial conference.
11/13/09	Parties to file joint pretrial statement, including brief description of the substance of the action, any stipulations or undisputed facts, a brief description of the remaining disputed factual and legal issues, a description of the relief sought by plaintiffs, a copy of any depositions or discovery responses each party intends to use at trial (other than solely for impeachment or rebuttal), a list of witnesses to be called with a brief description of the substance of the expected testimony, a list of exhibits each party intends to introduce at trial (other than solely for impeachment or rebuttal), and a description of any other issues the parties wish to bring to the Court's attention. In addition, each party will file proposed findings of fact and conclusions of law. The parties may, but are not required to, file trial briefs.

1 11/16/09 - 4:30 p.m.¹ Hearing on motions in limine; final pretrial conference. The parties shall
2 bring to the pretrial conference copies of any exhibits to which the parties
have not stipulated to admissibility.

3 11/20/09 Each party to lodge with chambers and deliver to the other parties a set of
proposed exhibits, premarked with exhibit numbers.

4 11/23 and 11/24 Trial (commencing at 9:00 a.m.). No later than 3:00 p.m. on the court day
5 before each trial day, the parties will provide copies to opposing counsel of
any demonstrative exhibits that the party intends to use the following court
6 day, as well as a list of expected witnesses. There shall be no opening
7 statements. Optional closing arguments shall not exceed 30 minutes per
side.

8 12/11/09 Parties to file proposed findings of fact and conclusions of law based on
the evidence actually presented at trial. Parties should cite to exhibits and
9 testimony where appropriate, but citations to specific pages and lines of
the trial transcript will not be required.

10 12/16/09 - 9:30 a.m. Hearing on findings of fact and conclusions of law, unless the Court
11 notifies the parties that such a hearing is not necessary.

12 Respectfully submitted,

13 DATED: September 9, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

14 /s/ Claire T. Cormier²

15 CLAIRE T. CORMIER
16 Assistant United States Attorney

17 DATED: September 8, 2009

THE BOCCARDO LAW FIRM LLP

18 /s/ John C. Stein

19 JOHN C. STEIN
20 Attorney for Plaintiff

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22 ¹ Plaintiffs' counsel is scheduled to be in trial in Santa Clara County Superior Court the
23 weeks of November 9 and November 16. Accordingly, the parties respectfully request a late
24 afternoon pretrial conference. Plaintiffs' counsel shall advise the Court and defendant's counsel
if his other trial is vacated or continued. Though the parties note that the Court indicated that the
25 parties did not need to schedule a pretrial conference, the parties believe that it would be helpful
to schedule a conference for the purpose of hearing motions in limine, if any, as well as any final
26 objections or housekeeping issues relating to the trial.

27 ² I, Claire T. Cormier, hereby attest that I have on file all holographic signatures for any
28 signatures indicated by a "conformed" signature (/s/) within this e-filed document.

STIPULATION AND ~~PROPOSED~~ ORDER RE PRETRIAL AND TRIAL SCHEDULE
C 03-0908 RS

1 **[PROPOSED] ORDER**
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3 Upon stipulation of the parties and good cause appearing, IT IS SO ORDERED.
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5 DATED: September 10, 2009
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RICHARD SEEBORG
United States Magistrate Judge